

County of Santa Clara

Recycling and Waste Reduction Commission
Integrated Waste Management Division

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DATE: February 22, 2010

TO: Recycling and Waste Reduction Commission

FROM: Lisa Rose, County Liaison to the Recycling and Waste Reduction Commission

SUBJECT: Expanded Polystyrene

BACKGROUND

The Commission asked staff to begin looking into Expanded Polystyrene and provide an overview of the issue, a presentation on the impact of a potential ban on EPS packaging at food establishments, what alternatives are readily available to retailers and to be sure to involve stakeholders in any discussions.

This issue will be more thoroughly discussed at the March 25 Source Reduction and Recycling (SRR) Subcommittee of the TAC. In the interim, attached is a matrix demonstrating where jurisdictions are with regard to expanded polystyrene. The only City within Santa Clara County to enact an ordinance to date is Palo Alto. Beginning on April 22, 2010, food vendors will be prohibited from providing prepared food in disposable food service containers made from expanded polystyrene or non-recyclable plastic. Food vendors are defined as any establishment, located or providing food within the City of Palo Alto, which provides prepared and ready-to-consume food or beverages, for public consumption including but not limited to any store, supermarket, delicatessen, restaurant, retail food vendor, sales outlet, shop, cafeteria, catering truck or vehicle, sidewalk or other outdoor vendor or caterer. The City of Palo Alto prepared a mitigated negative declaration before enacting their ordinance.

While some jurisdictions collect polystyrene in their curbside programs, it is not separated for recycling or densification as the market for the end product is just not viable at this time.

The SRR Subcommittee will develop a timeline at their March meeting for moving forward on this issue. The timeline will include ample time for stakeholder meetings and input. Following a conversation with the County of Santa Cruz at the Joint TAC meeting held on February 11, there may be opportunity to develop a draft model ordinance based on their experiences, should the Commission decide to move forward with an ordinance of some sort.

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansan Chu, Jim Griffith, Patrick Kwok, Evan Low, Cat Tucker, Kris Wang, Curtis Wright, Ken Yeager

Expanded Polystyrene Matrix by City

City/Town	Comments	Position
Campbell	<ul style="list-style-type: none"> The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See
Cupertino	<ul style="list-style-type: none"> Cupertino staff have discussed expanded polystyrene recently, but have not made any decisions on how to implement any actions at the moment. Cupertino's hauler still accepts plastics #1-7 in curbside program and will continue to do so until the City's new franchise agreement is implemented starting 11/1/10, at which point polystyrene will not be accepted as a recyclable material. Currently residents are told to place PS blocks in a clear plastic bag and set next to recycling bin. No "PEANUTS" are collected curbside. 	
Gilroy	<ul style="list-style-type: none"> Polystyrene is accepted in curbside program and then thrown away at the processing center. 	
Los Altos	Residents are to place blocks in clear plastic bag and set next to recycling bin. NO "PEANUTS" collected curbside.	
Los Altos Hills	Residents are to place blocks in clear plastic bag and set next to recycling bin. NO "PEANUTS" collected curbside.	
Los Gatos	<ul style="list-style-type: none"> The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed addressing expanded polystyrene recently, but are not pursuing anything at the moment. Accepts plastics #1-7 in curbside program. 	Wait and See
Milpitas	<ul style="list-style-type: none"> Curbside program accepts: plastic containers #1-7; white plastic grocery bags. Polystyrene in foam blocks, food containers and packaging peanuts not accepted. Recycling & Source Reduction Advisory Commission evaluating single-use bags and polystyrene issues for a future recommendation to Milpitas City Council. 	
Monte Sereno	<ul style="list-style-type: none"> The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See
Morgan Hill	Polystyrene is accepted in curbside program and then thrown away at the processing center.	
Mountain View	<ul style="list-style-type: none"> The Mountain View City Council adopted an Environmental Sustainability Action Plan in March 2009. One of the items in FY 10-11 is "Participate in Regional Efforts to Ban Polystyrene Take-Out Food Containers". Foam blocks, food foam and packing peanuts are not accepted in Mountain View's curbside program. 	
Palo Alto	<ul style="list-style-type: none"> On May 11, 2009, Palo Alto's City Council adopted an ordinance to restrict food vendors from providing prepared food in disposable food service containers made from expanded polystyrene or non-recyclable plastic. The ordinance will go into effect Earth Day 2010 (April 22, 2010). The 	Ban will go into effect on April 22, 2010

Expanded Polystyrene Matrix by City

	<p>ordinance is primarily intended to reduce the negative environmental impacts of expanded polystyrene food service containers, which become a very persistent and mobile source of litter to local creeks and marine ecosystems when improperly disposed.</p> <ul style="list-style-type: none"> ▪ Palo Alto does not accept foam packaging, blocks or peanuts in their curbside program. 	
San Jose	<ul style="list-style-type: none"> ▪ In October 2009, City Council approved a ban on expanded polystyrene (EPS) food containers at all Special Events on City property over 1,000 attendees per day beginning in 2010. ▪ On February 3, 2010 the Rules Committee added polystyrene foam to the workplan for the Transportation and Environment Committee and scheduled our status report for their May 3, 2010 meeting. ▪ Currently, residents are instructed to place EPS blocks and peanuts in a clear plastic bag and place in their recycling cart. Staff understands from the MRF operators that most of this EPS collected from residents is too contaminated for recycling and ends up landfilled. ▪ In October 2008, Council approved joining the City's Keep It Clean! Partnership, which requires the City to develop a strategy for local food establishments to dramatically reduce the use of non-biodegradable/non-compostable take out food containers through ban or fee programs. 	
Santa Clara	<ul style="list-style-type: none"> ▪ City of Santa Clara is not doing anything to address polystyrene food packaging at this time. ▪ Packing blocks (NO peanuts), egg cartons, and rinsed take-out food containers. Place in 32-gallon clear plastic bag and set next to gray bin. 	
Saratoga	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	
Sunnyvale	<ul style="list-style-type: none"> ▪ At the January 29 Council Study Workshop, two Councilmembers (Chu and Griffith) initiated a Study Issue on the topic, "Banning Use of Expanded Polystyrene Foam Containers." In January 2011, this study issue will be ranked for study in calendar year 2011. ▪ Sunnyvale does not accept polystyrene in their curbside program 	
Unincorporated County	<ul style="list-style-type: none"> ▪ County of Santa Clara is not doing anything to address polystyrene food packaging at this time. ▪ Expanded polystyrene is collected curbside in the unincorporated areas (bagged separately) but is not recycled as there is little to no market for it. 	
West Valley Cities	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See

February 22, 2010

The Honorable Jamie McLeod
Chair, County of Santa Clara Recycling and Waste Reduction Commission
1553 Berger Drive, Bldg. 1
San Jose, CA 5112

Dear Council Member McLeod:

Thank you for listening to my 12/07/09 presentation to your commission regarding the curbside recycling of expanded polystyrene. I just received a copy of the 02/22/10 staff report on the subject and was surprised to see the following assertion:

"While some jurisdictions collect polystyrene in their curbside programs, it is not separated for recycling or densification as the market for the end product is just not viable at this time."

In reality, the markets for post consumer foam are quite viable at this time. In fact, I have included two letters from California companies that would be thrilled to acquire foam from Santa Clara County.

As stated at the December meeting, my company is very interested in working with your group on a real solution for foam. As your committee conducts its research, please include me in correspondence regarding future meetings, meeting re-caps, and staff reports. In addition, since I specialize in creating municipal recycling programs for foam, I would be happy to serve as a resource.

I look forward to working with you.

Regards,

Michael

Michael Westerfield
Corporate Director of Recycling Programs
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cc: Members, Technical Advisory Committee
Members, Recycling and Waste Reduction Commission
Ms. Lisa Rose

NEPCO

Natural Environmental Protection Company

13407 Yorba Ave
Chino, CA, 91710
Office) 909-627-8081
Fax) 909-627-8150

To: Whom it may concern,

My business, Natural Environmental Protection Company (NEPCO), is a company that uses "Styrofoam" to manufacture high quality picture frames at our facility in Chino, CA. Since 2006, we have increased our size from four employees to seventeen. We have also tripled the size of our building. Since post-consumer foam is the key ingredient for our picture frames, NEPCO is very interested in acquiring relatively clean post consumer packaging and food service foam from California municipalities and businesses. We need your foam to keep up with our growth which is creating green jobs for Californians!

We currently use both types of foam from material recovery facilities, businesses, and the public. Using recycled foam not only enables us to do our part to protect the environment but it also helps us keep our manufacturing costs down. Please contact me if you have an interest in recycling your foam with our company.

Sincerely,

Tommy Kim

Director



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Date: February 22, 2010

Michael Westerfield
Corporate Director of Recycling Programs
Dart Container Corporation
500 Hogsback Road
Mason, MI 48854

Dear Michael:

Timbron International is a manufacturer of a line of recycled decorative interior molding products utilized in homes throughout the United States. Our recycled interior molding products are sold through Home Depot stores in the USA, Canada and Puerto Rico. Timbron International's decorative interior moldings contains 90% recycled Expanded Polystyrene (EPS).

Timbron International is committed to the recycling of EPS and is very interested in acquiring waste EPS from California municipalities. We are extremely interested in packaging and food service EPS that is in a recyclable condition, i.e., clean from contaminants and food residue.

We are very interested in working with local California municipalities to establish effective recycling programs for EPS.

Best Regards,

David Firestone
Director of Recycling
Timbron International